

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re:	:	Case No. 23-50619
	:	
Gobo, Ltd.,	:	Chapter 11
	:	
Debtor.	:	Judge Nami Khorrami

APPLICATION OF DEBTOR
FOR AUTHORITY TO EMPLOY REALTOR

Now comes Gobo, Ltd., the debtor and debtor in possession (the “Debtor”), and hereby moves this Court for an order authorizing the Debtor to employ a realtor pursuant to 11 U.S.C. §327, Fed. R. Bankr. P. 2014 and L.B.R. 2014-1. In support of his motion, the Debtor represents to the Court as follows:

1. Gobo, Ltd. (the “Debtor”) filed a voluntary petition for relief under Chapter 11 of Title 11, United States Code (the “Bankruptcy Code”) on March 1, 2023 (the “Petition Date”).

2. Among the assets of this bankruptcy estate is an interest in certain real estate located at 4000 Horizons Drive, Columbus, Ohio 43220 and an adjacent lot located at 0 Horizons Drive, Columbus, Ohio 43220 (collectively, the “Real Estate”) which constitutes property of the bankruptcy estate pursuant to 11 U.S.C. 541. It is estimated that the value of the Real Estate is approximately \$2,871,000.00.

4. The Real Estate is subject to first and second mortgage liens, and current real estate taxes.

5. The Debtor seeks to employ Nathaniel Marks of Associates Realty as a realtor (the “Realtor”) to sell the Real Estate.

6. The Debtor believes that it is in the best interest of the bankruptcy estate and is necessary to employ the Realtor to sell the Real Estate in accordance with terms that are used when

the Realtor sells real estate in a private sale. The terms of employment of the Realtor are as follows:

Realtor: Nathaniel Marks
Associates Realty
615 Copeland Mill Rd., Ste. 1D
Westerville, OH 43081

Terms of Sale: The Real Estate will be offered for sale through a listing agreement for a period of eight months. The Real Estate will be listed online, through social media advertisement and direct marketing to potential purchasers.

Realtor's Commission: The estate will pay Realtor a percentage commission of six percent of the gross selling price of the Real Estate.

7. The Debtor believes, and the Realtor represents that this commission is the standard commission charged by the Realtor when he sells real property at a private sale, and that these terms are standard for a realtor selling real estate in the area.

8. The Debtor believes, and the Realtor represents, that the Realtor does not hold or represent an interest adverse to the estate and is a disinterested person, as required by 11 U.S.C. §327(a), and is neither related to nor connected with a Judge of the Bankruptcy Court or the District Court for the Southern District of Ohio. An Affidavit of the Realtor is attached as Exhibit A. The Debtor believes that the Realtor is a "disinterested person" as required by 11 U.S.C. §327 and 101(14).

9. The Debtor believes that the Realtor has not received any fees for a period of one year prior to the filing of the petition in this case through the time of the filing of this Application. The Realtor has received no retainer. Such disclosures are made pursuant to LBR 2014-1(b).

10. The Debtor proposes to employ the Realtor named above because of his experience in conducting private real estate sales.

Based upon the foregoing, it is respectfully requested that the Court issue an Order authorizing the Debtor to employ Nathaniel Marks of Associates Realty as a realtor, on the terms and conditions set forth in this Application, and that the Court grant such other and further relief as is appropriate.

Respectfully submitted,

/s/ John W. Kennedy
Myron N. Terlecky (0018628)
John W. Kennedy (0042672)
Strip, Hoppers, Leithart, McGrath & Terlecky Co., LPA
575 South Third Street
Columbus, OH 43215
T: (614) 228-6345 F: (614) 228-6369
Email: mnt@columbuslawyer.net
jwk@columbuslawyer.net
Attorneys for Debtor

UNITED STATES BANKRUPTCY COURT
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**AFFIDAVIT OF NATHANIEL MARKS IN SUPPORT OF APPLICATION OF
DEBTOR FOR AUTHORITY TO EMPLOY REALTOR**

STATE OF OHIO)
COUNTY OF FRANKLIN) SS:

I, Nathaniel Marks, being first duly cautioned and sworn, state as follows:

1. I am a duly authorized and licensed realtor with Associates Realty as named in the Application of Debtor for Authority to Employ Realtor (the "Application").

2. I have read the Application and I approve the terms and conditions therein.

3. Neither I nor any entity with which I am connected (a) are employed by or connected with the Debtor, or with any person having any interest adverse to the Debtor, or to the bankruptcy estate; (b) have any past or present relationship with Debtor, any insiders or affiliates of the Debtor, or any creditor or equity security holder of the Debtor, or the attorney or accountant for any of them, the United States Trustee, or any person employed in the Office of the United States Trustee, except None. I do not hold or represent an interest adverse to the estate.

4. I am a disinterested person within the meaning of 11 U.S.C. §327 and 101(14).

5. I have access to and advertising for the purpose of selling the Real Estate identified in the Application.

6. The terms of sale of the Real Estate are as follows: The Debtor will pay a percentage commission of six percent of the gross selling price of the Real Estate.

7. My proposed employment is not prohibited by, or improper under, Bankruptcy Rule 5002, and no understanding or agreement exists for a division of fees or compensation between myself or any entity with which I am connected.


8. Neither I nor any entity with which I am affiliated, is an officer or employee of the Judicial Branch of the United States or the United States Department of Justice.

9. Neither I nor any entity with which I am affiliated, will, under any circumstances, purchase or acquire any interest in any of the property with which I am dealing.

I declare under penalty of perjury that the foregoing is true and correct.


Nathaniel Marks

Sworn to before me and subscribed in my presence this 2nd day of May 2023. *This is a jurat certificate; an oath or affirmation was administered to the signer with regard to this notarial act.*

/s/ 
Notary Public



**NOTICE OF APPLICATION OF DEBTOR FOR AUTHORITY
TO EMPLOY REALTOR
AND CERTIFICATE OF SERVICE**

Gobo, Ltd. has filed papers with the court seeking the authority to employ a realtor to sell real estate that is property of the bankruptcy estate.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the Application, **then on or before twenty-one (21) days from the date set forth in the certificate of service for the Application**, you or your attorney must file with the court a response explaining your position by mailing your response by first class U.S. Mail to Clerk, United States Bankruptcy Court, 170 North High Street, Columbus, Ohio 43215, OR your attorney must file a response using the court's ECF system.

The court must **receive** your response on or before the date set forth above.

You must also send a copy of your response either by 1) the court's ECF System, or by 2) first class U.S. Mail to:

United States Trustee
170 North High Street, Suite 200
Columbus, Ohio 43215

Myron N. Terlecky, Esq.
Strip, Hoppers, Leithart, McGrath & Terlecky Co., LPA
575 South Third Street
Columbus, Ohio 43215

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Application and may enter an order granting that relief.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing APPLICATION OF DEBTOR FOR AUTHORITY TO EMPLOY REALTOR was served (i) electronically on the date of filing through the Court's ECF System on all ECF participants registered in the case at the email addresses registered with the Court and (ii) by first class U.S. mail on May 3, 2023, addressed to all creditors and parties in interest on the attached matrix and the following parties:

Nathaniel Marks
Associates Realty
615 Copeland Mill Rd., Ste. 1D
Westerville, OH 43081

/s/ John W. Kennedy
John W. Kennedy (0042672)

Label Matrix for local noticing

Pamela Arndt

Asst US Trustee (Col)

0648-2

DOJ-Ust

Office of the US Trustee

Case 2:23-bk-50619

170 North High Street

170 North High Street

Southern District of Ohio

Suite 200

Suite 200

Columbus

Columbus, OH 43215-2417

Columbus, OH 43215-2417

Tue May 2 15:44:46 EDT 2023

Cheryl B. Lee

Donald A. Lee

Franklin County Treasurer

2702 Henthorn Road

2702 Henthorn Road

373 South High St., 17th Floor

Columbus, OH 43221-3214

Columbus, OH 43221-3214

Columbus, OH 43215-4591

Gobo, Ltd.

Horizon Film and Video, Inc.

Horizons Video & Film Incorporated

4000 Horizons Dr.

c/o Richard K. Stovall

4000 Horizons Dr

Columbus, OH 43220-5217

Allen Stovall Neuman & Ashton LLP

Columbus, OH 43220-5217

10 West Broad Street, Suite 2400

Columbus, OH 43215-3469

Huntington Bank

Jeffrey Madison

John W Kennedy

41 S. High Street

612 Park St., Ste. 300

Strip Hoppers Leithart McGrath & Terleck

Columbus, OH 43215-3406

Columbus, OH 43215-1681

575 S. Third St.

Columbus, OH 43215-5755

Cheryl B Lee

Donald A. Lee

Jeffrey J Madison

c/o Richard Stovall

c/o Richard K. Stovall

Park Street Law Group, LLC

Allen Stovall Neuman & Ashton LLP

Allen Stovall Neuman & Ashton LLP

612 Park Street

10 West Broad Street, Suite 2400

10 West Broad Street, Suite 2400

Suite 300

Columbus, OH 43215-3469

Columbus, OH 43215-3469

Columbus, OH 43215-1681

Dennis J Morrison

Richard K Stovall

Myron N Terlecky

Park Street Law Group, LLC

Allen Stovall Neuman & Ashton LLP

575 S Third St

612 Park Street, Ste. 300

10 West Broad Street

Columbus, OH 43215-5755

Columbus, OH 43215-1681

Suite 2400

Columbus, OH 43215-3469

The Huntington National Bank

End of Label Matrix

Jeffrey J. Madison, Esq.

Mailable recipients 18

612 Park Street, Suite 300

Bypassed recipients 0

Columbus, OH 43215-1681

Total 18